

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 439

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE
FIRST, THIRD, EIGHTH AND THIRTEENTH JUDICIAL DISTRICTS;
CREATING AN ADDITIONAL BERNALILLO METROPOLITAN COURT JUDGESHIP;
MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-6-4 NMSA 1978 (being Laws 1968,
Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be
[seven] eight district judges in the first judicial district."

Section 2. Section 34-6-6 NMSA 1978 (being Laws 1968,
Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be
[eight] nine district judges in the third judicial district."

Section 3. Section 34-6-11 NMSA 1978 (being Laws 1968,

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1 Chapter 69, Section 14, as amended) is amended to read:

2 "34-6-11. JUDGES--EIGHTH JUDICIAL DISTRICT.--There shall
3 be [~~two~~] three district judges in the eighth judicial district
4 serving divisions one and two. One of the judges shall
5 maintain [~~his~~] the judge's principal office in Colfax or Union
6 county, and the other [~~judge~~] two judges shall maintain [~~his~~]
7 their principal [~~office~~] offices in Taos county. The chief
8 judge of the eighth judicial district shall be selected by a
9 majority of the district judges in that district. In the event
10 of a tie, the senior judge shall be the chief judge."

11 Section 4. Section 34-6-16 NMSA 1978 (being Laws 1971,
12 Chapter 52, Section 3, as amended) is amended to read:

13 "34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There
14 shall be [~~seven~~] eight district judges in the thirteenth
15 judicial district. The judges of divisions one, three, [~~and~~]
16 six and eight shall reside and maintain their principal offices
17 in Valencia county. The judges of divisions two, five and
18 seven shall reside and maintain their principal offices in
19 Sandoval county. The judge of division four shall reside and
20 maintain the judge's principal offices in Cibola county."

21 Section 5. Section 34-8A-8 NMSA 1978 (being Laws 1979,
22 Chapter 346, Section 8, as amended) is amended to read:

23 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

24 A. The name of the metropolitan court in the
25 Bernalillo metropolitan district shall be the "Bernalillo

1 county metropolitan court".

2 B. The metropolitan court is an agency of the
 3 judicial department of state government. Personnel of the
 4 metropolitan court are subject to all laws and regulations
 5 applicable to state officers and agencies and state officers
 6 and employees, except where otherwise specifically provided by
 7 law.

8 C. There shall be [~~nineteen~~] twenty judges of the
 9 Bernalillo county metropolitan court."

10 Section 6. TEMPORARY PROVISION--DISTRICT AND METROPOLITAN
 11 JUDGES--APPOINTMENTS.--The additional district and metropolitan
 12 judgeships provided for in this 2008 act shall be filled by
 13 appointment by the governor pursuant to the provisions of
 14 Article 6 of the constitution of New Mexico.

15 Section 7. APPROPRIATIONS.--

16 A. The following amounts are appropriated from the
 17 general fund to the following agencies for expenditure in
 18 fiscal year 2009 for the following purposes:

19 (1) two hundred seventeen thousand five
 20 hundred thirty-five dollars (\$217,535) to the first judicial
 21 district for salaries and benefits and furniture, supplies and
 22 equipment for one additional district judge and support staff;

23 (2) two hundred seventeen thousand five
 24 hundred thirty-five dollars (\$217,535) to the third judicial
 25 district for salaries and benefits and furniture, supplies and

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1 equipment for one additional district judge and support staff;

2 (3) two hundred seventeen thousand five
3 hundred thirty-five dollars (\$217,535) to the eighth judicial
4 district for salaries and benefits and furniture, supplies and
5 equipment for one additional district judge and support staff;

6 (4) two hundred seventeen thousand five
7 hundred thirty-five dollars (\$217,535) to the thirteenth
8 judicial district for salaries and benefits and furniture,
9 supplies and equipment for one additional district judge and
10 support staff; and

11 (5) two hundred ten thousand five hundred
12 seventy-two dollars (\$210,572) to the Bernalillo county
13 metropolitan court for salaries and benefits and furniture,
14 supplies and equipment for one additional judge and support
15 staff.

16 B. Any unexpended or unencumbered balance remaining
17 at the end of fiscal year 2009 shall revert to the general
18 fund.

19 Section 8. APPROPRIATIONS.--

20 A. The following amounts are appropriated from the
21 general fund to the following entities for expenditure in
22 fiscal year 2009 for the following purposes:

23 (1) fifty thousand thirty-nine dollars and
24 fifty cents (\$50,039.50) to the first judicial district
25 attorney to provide salaries and benefits, furniture, supplies

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1 and equipment for additional staff due to an increased district
2 court workload;

3 (2) one hundred three thousand five hundred
4 dollars (\$103,500) to the public defender department to provide
5 salaries and benefits, furniture, supplies and equipment for
6 additional staff due to an increased workload in the first
7 judicial district and for contractual services in that
8 district;

9 (3) fifty thousand thirty-nine dollars and
10 fifty cents (\$50,039.50) to the third judicial district
11 attorney to provide salaries and benefits, furniture, supplies
12 and equipment for additional staff due to an increased district
13 court workload;

14 (4) one hundred three thousand five hundred
15 dollars (\$103,500) to the public defender department to provide
16 salaries and benefits, furniture, supplies and equipment for
17 additional staff due to an increased workload in the third
18 judicial district and for contractual services in that
19 district;

20 (5) fifty thousand thirty-nine dollars and
21 fifty cents (\$50,039.50) to the eighth judicial district
22 attorney to provide salaries and benefits, furniture, supplies
23 and equipment for additional staff due to an increased district
24 court workload;

25 (6) sixty-three thousand four hundred dollars

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1 (\$63,400) to the public defender department to provide salaries
2 and benefits, furniture, supplies and equipment for additional
3 staff due to an increased workload in the eighth judicial
4 district and for contractual services in that district;

5 (7) fifty thousand thirty-nine dollars and
6 fifty cents (\$50,039.50) to the thirteenth judicial district
7 attorney to provide salaries and benefits, furniture, supplies
8 and equipment for additional staff due to an increased district
9 court workload;

10 (8) twenty-five thousand dollars (\$25,000) to
11 the public defender department for contractual services due to
12 an increased workload in the thirteenth judicial district;

13 (9) forty-seven thousand four dollars and
14 fifty cents (\$47,004.50) to the second judicial district
15 attorney to provide salaries and benefits, furniture, supplies
16 and equipment for additional staff due to an increased workload
17 in the Bernalillo county metropolitan court; and

18 (10) one hundred three thousand five hundred
19 dollars (\$103,500) to the public defender department to provide
20 salaries and benefits, furniture, supplies and equipment for
21 additional staff due to an increased workload in the Bernalillo
22 county metropolitan court and for contractual services to
23 address the increased workload in that court.

24 B. Any unexpended or unencumbered balance remaining
25 at the end of fiscal year 2009 shall revert to the general

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1 fund.

2 Section 9. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is January 1, 2009.

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